IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

WP(C).No. 23069 of 2007(U)

PETITIONERS:
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1. SUSAMMA PUNNOOSE, W/O.PUNNOOSE VARKEY, CHERIYA VAZHAYIL HOUSE, KANJIRAM P.O.,KOTTAYAM.

2. PUNNOOSE VARKEY, S/O. LATE C.V.VARKEY, -DO- -DO-.

BY ADV. SRI.V.PHILIP MATHEW

RESPONDENTS:
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1. THE KOTTAYAM CO-OPERATIVE AGRICULTURAL AND RURAL DEVELOPMENT BANK LTD., POST BOX NO.198, KOTTAYAM, REP. BY THE SECRETARY.

2. THE SPECIAL SALE OFFICER, KOTTAYAM CO-OPERATIVE AGRICULTURAL AND RURAL DEVELOPMENT BANK LTD., POST BOX NO.198, KOTTAYAM.

3. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), KOTTAYAM.

4. THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), KOTTAYAM.

R1 BY ADV.SHRI T.R. HARIKUMAR
SRI.V.G.ARUN
R2 TO R4 BY GOVERNMENT PLEADER (SMT. ANU SIVARAMAN)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 23069 OF 2007 U

Dated this the 1st August, 2007

JUDGMENT

First petitioner is the wife of second petitioner. She availed a loan. The amount was sought to be recovered. Petitioners challenge Exts.P8, P9 and P10. Ext. P8 is a demand notice, Ext. P9 is a sale notice and Ext.P10 is a notice calling upon the petitioner to remit Rs.4,65,000/= with five per cent commission within thirty days failing which the sale will be confirmed. First petitioner has filed an application seeking six months' time, by representation dated 28.6.2007. Heard the learned counsel appearing for the petitioners and the respondent Bank. Counsel for petitioners prays that some time may be granted, as the petitioners are in financial difficulties. Petitioners have a case that property in excess of what is necessary has been put to sale. The Writ Petition is disposed of as follows:

If the petitioners deposit the entire amount due to the Bank

in this regard within a period of four months from today, the property will be re-conveyed to the petitioners. The amount due to the respondent Bank in this regard with due interest shall be intimated to the petitioners within three weeks from today. I leave open the right of the petitioners to canvass the validity of the sale on the ground that property in excess has been sold. The confirmation will be kept in abeyance for a period of four months.

K. M. JOSEPH, JUDGE

kbk.